

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Final Office Action mailed on May 11, 2009 and the Advisory Action of June 19, 2009, and the references cited therewith.

Claims 40-41 are amended and no claims are canceled or added; as a result, claims 1-30 and 40-42 are now pending in this application.

Applicant respectfully submits that amendments to claims 40-41 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification. Support for the present amendments can be found, at least, at column 11, lines 32-43, column 12, lines 50-59, and figures 21, and 31-33 of the patent number 5,855,598.

#### **§ 103 Rejection of the Claims**

Claims 40-42 were rejected under 35 USC § 103(a) as being unpatentable over Rhodes (U.S. Patent No. 5,122,154) in view of Herweck, et al. (U.S. Patent 5,197,976) and Lentz (U.S. Patent No. 5,522,881). Applicant respectfully traverses the rejection as follows.

For ease of review, Applicant includes here, a copy of claims 40 and 41, as amended from their previous presentation.

40. (Pending) A multi-component bifurcating expandable supportive endoluminal graft comprising:

a plurality of expandable supportive endoluminal components adapted to be individually deployed at a selected location within a body vessel, each said supportive endoluminal graft component being radially compressible for endoluminal insertion and radially expandable for deployment at a desired location within a body vessel;

one of said expandable supportive endoluminal components is a trunk component, said trunk component generally surrounding a trunk liner positioned within said trunk component, said trunk liner having a generally cylindrical body portion and two leg portions, each said leg portion defining a leg opening, wherein the generally cylindrical body portion of said liner and portions of said leg portions abut said trunk component and are secured to said trunk component,

and portions of said leg portions not abutting said trunk component about one another and are secured to one another;

at least one other of said expandable supportive endoluminal components is a generally cylindrical supportive leg component; and

said generally cylindrical supportive leg component and one of said leg portions of said liner, when said leg component and trunk component have been fully deployed within the body vessel, are not connected to and are telescopically slidable with respect to each other; and

said generally cylindrical supportive leg component has a first end portion that, when deployed, is positioned within said leg opening of the trunk liner, and a second end portion external to said one of said leg portions and proximal to the body vessel.

41. (Pending) The supportive endoluminal graft of claim 40, wherein said trunk component includes a second generally cylindrical body portion located on an opposite side of said two leg portions from said generally cylindrical body portion ~~generally cylindrical supportive leg component has an end portion which, when deployed, is positioned within said leg opening of the trunk liner.~~

The Rhodes reference appears to describe an endovascular graft 20 including an elongated tubular member or sleeve 28 having a plurality of expandable, ring-like, stent members or sections 30 located at equidistantly spaced positions along the longitudinal length of the member. (Col. 5, ln. 60-66). The Herweck reference appears to describe a vascular prosthesis with a plurality of tubular structures, each of which is manually separable from the others. (Abstract). The Lentz reference appears to describe an implantable tubular prosthesis having cuffs adapted to accommodate stents. (Abstract).

From the Applicant's review, the Rhodes, Herweck, and Lentz references do not appear to describe, teach, or suggest a generally cylindrical supportive leg component having a first end portion that, when deployed, is positioned within the leg opening of the trunk liner, and a second end portion external to said one of said leg portions and proximal to the body vessel, as recited in Applicant's claim 40, as amended. For example, if the stents 28 of Lentz are read on Applicant's "supportive leg components," then they would be required to have a first end portion within a leg

opening of a trunk liner and a second end portion external to said one of said leg portions and proximal to the body vessel, e.g., external to the cuff 20. However, from Applicant's review of Lentz, such teaching is not present.

Therefore, the references do not describe, teach or suggest each and every element limitation of independent claim 40, as amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 40, as well as for claims 41 and 42, which depend therefrom.

*Allowable Subject Matter*

Applicant thanks the Examiner for the indication of allowable subject matter in connection with claims 1-30.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0120 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS RCE Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 31 day of July, 2009.

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